



# Town of Southern Shores

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9 **MEETING MINUTES**

10 **SOUTHERN SHORES HISTORIC LANDMARKS COMMISSION-MARCH 26, 2024, 9:00 A.M.**

11 **LOCATION: PITTS CENTER-5377 N VIRGINIA DARE TRAIL, SOUTHERN SHORES, NC 27949**

12

13 **CALL TO ORDER:**

14 Chairperson Whitley called the meeting to order at 9:00 a.m. Historic Landmarks  
15 Commission Members Lee Whitley (Chairperson), Kristine Kiousis, and Tony DiBernardo were  
16 present. Also in attendance were Deputy Town Manager/Planning Director Wes Haskett, and  
17 Town Clerk Sheila Kane.

18

19 **PLEDGE OF ALLEGIANCE:**

20 Chairperson Whitley led the Pledge of Allegiance.

21

22 **APPROVAL OF AGENDA:**

23 Tony DiBernardo moved to approve the agenda for the Special Historic Landmarks Commission  
24 meeting of March 26, 2024, Seconded by Kristine Kiousis. The motion passed unanimously (3-0).

25

26 **ELECTION OF OFFICERS**

27 Lee Whitley was nominated as Chairperson by Kristine Kiousis, Seconded by Tony DiBernardo.  
28 Unanimously passed.

29

30 Kristine Kiousis was nominated as Vice Chairperson by Lee Whitley, Seconded by Tony  
31 DiBernardo. Unanimously passed.

32

33 **APPROVAL OF MINUTES**

34 Kristine Kiousis moved to approve the March 28, 2023, meeting minutes as presented, Seconded  
35 by Chairperson Whitley. The motion passed unanimously (3-0).

36

37 **PUBLIC COMMENT**

38 None

39

40 **OLD BUSINESS**

41 None

42

43 **NEW BUSINESS**

44 COA-24-01, evidentiary hearing to consider COA-24-01, an application for a Certificate of  
45 Appropriateness submitted by Clayton Small to replace garage windows, garage doors, and  
46 siding shingles at 116 Ocean Blvd.

47 Chairperson Whitley read the opening statement and recusal questions. No board member had a  
48 conflict or reason for recusal.

49  
50 *This is not a legislative public hearing where the public is invited to give opinion and*  
51 *provide general comments or guidance to the Commission about potential Historic*  
52 *Landmarks.*

53 *This is a quasi-judicial hearing. Only aggrieved parties may participate. A member of the*  
54 *public may participate if aggrieved. An aggrieved person may give relevant testimony*  
55 *under oath; no opinions, just Testimony based on facts. It is just like taking the stand in a*  
56 *courtroom. An aggrieved person is subject to cross-examination by any other party and by*  
57 *this Commission – just like court.*

58 *To be “aggrieved” under the law, you must be directly and substantially affected by the*  
59 *Commission’s decision. Guidance from past NC cases and the North Carolina School of*  
60 *Government help us understand that to be aggrieved you must be an immediate neighbor*  
61 *whose property use, enjoyment and value will be adversely impacted by the Board’s*  
62 *decision.*

63 *If you are an aggrieved person and want to participate in this quasi-judicial hearing by*  
64 *giving sworn factual testimony or wish to cross-examine any witness during this*  
65 *proceeding, come forward to the podium to be sworn in.*

66

67 The town clerk swore in those wishing to give testimony.

68

69 Chairperson Whitley opened the hearing and called on the applicant to present evidence.

70

71 The applicant, Clayton Small, owner of 116 Ocean Blvd., requested changes to the exterior of the  
72 main house a year ago and is now ready to make the necessary improvements to the garage. The  
73 Small family having owned the cottage since 1954 would like to replace the three exterior  
74 windows on the garage (same to match cottage), exterior door, siding shingles as necessary, and  
75 install a new 8 panel garage door which is similar to the original 1954 garage doors. The  
76 proposed window replacement is the best commercially available windows to match the original  
77 1954 windows in the main cottage. The garage will also be repainted, a color to match the  
78 house.

79

80 Planning Director Wes Haskett asked Mr. Small to confirm that the shingles referenced were  
81 those of the siding and not the roof.

82     o Mr. Small answered the siding shingles will be replaced as needed.

83

84 No further question of the applicant.

85

86 **Staff Report-** The applicant is proposing to replace garage windows, garage doors, and siding  
87 shingles at 116 Ocean Blvd. which was designated as a Historic Landmark on August 7, 2018.  
88 Town Code Section 17-4(b)(1) states that from and after the designation of a landmark, no  
89 exterior portion of any building or other structure (including masonry walls, fences, light fixtures,  
90 steps and pavement, or other appurtenant features), nor any above-ground utility structure nor  
91 any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished on  
92 such landmark until after an application for a Certificate of Appropriateness (COA) as to exterior  
93 features has been submitted to and approved by the Commission.

94 Such a Certificate is required to be issued by the Commission prior to the issuance of a building  
95 permit or other permit granted for the purposes of construction, altering, moving, or  
96 demolishing structures, which Certificate may be issued subject to reasonable conditions  
97 necessary to carry out the purposes of the requirements. Section 17-6(a) states that no COA  
98 shall be granted unless the Commission finds that the application complies with the principles  
99 and guidelines adopted by the Commission for review changes. It is the intent of these  
100 regulations to insure insofar as possible that construction, reconstruction, alteration, restoration,  
101 moving or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or  
102 other significant features of landmarks shall be congruous with the special character of the  
103 landmark.

104 The Commission's currently adopted Principles and Guidelines contain the following guidelines  
105 that are applicable to the proposed work:

106 (b) Rehabilitation means the act or process of making possible an efficient compatible  
107 use for a property through repair, alterations and additions while preserving those  
108 portions or features that convey its historical, cultural or architectural values.

109 (2) The historic character of a property will be retained and preserved. The removal of  
110 distinctive materials or alteration of features, spaces and spatial relationships that  
111 characterize a property will be avoided.

112 Town Staff has determined that the application consistent with the Commission's adopted  
113 principles and guidelines, specifically item B2, and Town Staff recommends approval of the COA.  
114 The applicant has selected replacement windows, garage doors, and siding shingles to match the  
115 original windows, garage doors, and siding shingles.

116 No further questions.

117  
118 **MOTION:** Chairperson Whitley moved to approve COA-24-01, an application for a Certificate of  
119 Appropriateness submitted by Clayton Small and the application is consistent with the  
120 commission's adopted principles and guidelines specifically item B2, Seconded by Kristine  
121 Kiousis. The motion passed unanimously 3-0.

122  
123 Chairperson Whitley closed the hearing.

124  
125 **Public Comment**

126 None

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128 **Historic Landmarks Commission Member Comments**

129 None

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131 **Announcements**

132 Planning Director Wes Haskett stated there are currently no applications waiting for review. The  
133 town will be moving forward to seek the historic designation of 13 Skyline Rd. An application has  
134 been submitted to the state for review, and once that is completed the town will request it be  
135 placed on the next regular meeting agenda for consideration.

136  
137 **Adjourn**

138 Hearing no other business, Tony DiBernardo made a motion to adjourn, Seconded by Kristine  
139 Kiousis. Motion passed unanimously (3-0). The time was 9:23 a.m.

140  
141

142 ATTEST:

143 Lee Whitley  
144 Lee Whitley, Chairperson

Respectfully submitted,

Sheila Kane  
Sheila Kane, Town Clerk

